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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,647	05/31/2001	Alok K. Srivastava	254/254	1722
23639	7590	06/23/2004	EXAMINER	
BINGHAM, MCCUTCHEN LLP THREE EMBARCADERO, SUITE 1800 SAN FRANCISCO, CA 94111-4067			RAMPURIA, SATISH	
			ART UNIT	PAPER NUMBER
			2124	
DATE MAILED: 06/23/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/872,647	SRIVASTAVA ET AL.	
	Examiner	Art Unit	
	Satish S. Rampuria	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 May 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/14/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is in response to the application filed on 05/31/2001.
2. Claims 1-32 are pending.

Information Disclosure Statement

3. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 06, is attached to the instant Office action.

Claim objections

4. Claim 7 is objected to because of the following informalities:

Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, second paragraph

5. Claim 2, 3, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Clarification and/or correction are required.

Regarding, claim 2, on line 8, the limitation, “generating intermediate data” is unclear as to generating intermediate data between what and what data is being generated based up on results of parsing the trace string.

Claim 3, has the similar limitation to those in claim 2 with respect to “generating intermediate data”, recited on the line 9.

Claim 18, has the similar limitation to those in claim 2 with respect to “generating intermediate data”, recited on the line 19.

Claim 19, has the similar limitation to those in claim 2 with respect to “generating intermediate data”, recited on the line 20.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim Rejections - 35 USC § 101 Utility

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17 and 32 are non-statutory because they recite components of processing an application, representing functional descriptive material without the practical use. Claims 17-32 thus amounts to only abstract idea and are nonstatutory.

Claim 1 is non-statutory because it recite components of process for materializing a trace, representing functional descriptive material without a computer readable medium or computer

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implemented, and without the practical use, process per se are not tangibly embodied. Claims 1-16 thus amounts to only abstract idea and are nonstatutory

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1-4, 8-13, 17-32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trace Navigation and Analyzer Tool Prototype (High Level Design: First Draft), published on April 12, 2001, by Chatterjee, hereinafter called Chatterjee in view of US Patent No. 6,282,701 to Wygodny et al., hereinafter called Wygodny.

Per claim 1:

Chatterjee disclose:

- A process for materializing a trace in a markup language syntax (page 2, last paragraph, section 3.2 “ Certain trace strings... require hyperlinking”)
- parsing the trace sting (page 2, second paragraph, section 3.0 “parsing the trace string”); and
- generating a new version of the trace in a markup language syntax (page 2, last paragraph, section 3.2 “ Certain trace strings... require hyperlinking” and page 3, first paragraph, “Highlighted text -- One might... highlighting (a new version) a... string in trace data”)

Chatterjee does not explicitly disclose receiving a trace comprising a trace string.

However, Wygodny discloses in an analogous computer system discloses receiving a trace comprising a trace string (col. 6, lines 5-6 “The trace data collected by the client-side library”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of receiving trace data as taught by Wygodny into the method of generating traces in a markup language syntax as taught by Chatterjee. The modification would be obvious because of one of ordinary skill in the art would be motivated to receive the trace data for an optimized monitoring of trace data system as suggested by Wygodny (col. 2, lines 27-48).

Per claims 2 and 3:

The rejection of claim 1 is incorporated, and further, Chatterjee disclose:

- generating intermediate data based upon results of parsing the trace string (page 3, last paragraph, section 4.2 “Based on user specific keyword(s) hyperlinks are created to ease navigation... a hyperlink is created from the trace string in the source node’s trace to the destination node’s trace file”)

Per claims 4 and 8:

The rejection of claim 1 is incorporated, and further, Chatterjee disclose:

- the new version of the trace in markup language syntax comprises a hyperlink to another trace (page 3, last paragraph, section 4.2 “a hyperlink is created from the trace string in the source node’s trace to the destination node’s trace file”)

Per claims 9 and 10:

The rejection of claim 8 is incorporated, and further, Chatterjee disclose:

- which the communications operation is a 1-to-1 operation (page 2, last paragraph, section 3.2 “trace string... require hyperlinking or allowing users to jump to another trace string in a different file”)

Per claim 11:

The rejection of claim 1 is incorporated, and further, Chatterjee disclose:

- receiving a search condition for emphasizing a pattern (page 3, last paragraph, section 4.4 navigational tool allows a tool to search regular expressions in all the trace file”)

Per claim 12:

The rejection of claim 11 is incorporated, and further, Chatterjee disclose:

- which the new version of the trace in markup language syntax comprises a markup language statement for visually highlighting the trace (page 3, first paragraph, “Highlighted text -- One might... highlighting (a new version) a... string in trace data”)

Per claim 13:

The rejection of claim 1 is incorporated, and further, Chatterjee does not explicitly disclose receiving a filter condition for filtering out the trace.

However, Wygodny in an analogous computer system discloses receiving a filter condition for filtering out the trace (col. 8, lines 40-42 “The analyzer... allows the developer... to open... trace... window... different filter (trace control instructions) for each of window”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of filter the traces as taught by Wygodny into the method of generating traces in a markup language syntax as taught by Chatterjee. The modification would be obvious because of one of ordinary skill in the art would be motivated to filter the traces because tracing is done on various parallel processors as suggested by Wygodny (col. 2, lines 27-48).

Claim 17 is the system claim corresponding to process claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claim 18 is the system claim corresponding to process claim 2 and rejected under the same rational set forth in connection with the rejection of claim 2 above.

Claim 19 is the system claim corresponding to process claim 3 and rejected under the same rational set forth in connection with the rejection of claim 3 above.

Claim 20 is the system claim corresponding to process claim 4 and rejected under the same rational set forth in connection with the rejection of claim 4 above.

Per claim 21:

The rejection of claim 20 is incorporated, and further, Chatterjee disclose:

- hyperlink comprises links to a plurality of other traces (page 3, last paragraph, section 4.2
“a hyperlink is created from the trace string in the source node’s trace to the destination
node’s trace file”)

Claim 22 is the system claim corresponding to process claim 8 and rejected under the same rational set forth in connection with the rejection of claim 8 above.

Claim 23 is the system claim corresponding to process claim 9 and rejected under the same rational set forth in connection with the rejection of claim 9 above.

Claim 24 is the system claim corresponding to process claim 10 and rejected under the same rational set forth in connection with the rejection of claim 10 above.

Claim 25 is the system claim corresponding to process claim 12 and rejected under the same rational set forth in connection with the rejection of claim 12 above.

Claim 26 is the system claim corresponding to process claim 14 and rejected under the same rational set forth in connection with the rejection of claim 14 above.

Claim 27 is the system claim corresponding to process claim 15 and rejected under the same rational set forth in connection with the rejection of claim 15 above.

Claim 28 is the system claim corresponding to process claim 16 and rejected under the same rational set forth in connection with the rejection of claim 16 above.

Per claim 29 and 31:

The rejection of claim 28 is incorporated, and further, Chatterjee does not explicitly disclose traces are stored in a trace log file.

However, Wygodny in an analogous computer system discloses traces are stored in a trace log file (col. 3, lines 11-12 “The data in the buffer... be saved to a trace log file for later use”).

The feature of storing a trace log file would be obvious for the reasons set forth in the rejection of claim 2.

Per claim 30:

The rejection of claim 29 is incorporated, and further, Chatterjee does not explicitly disclose in which new trace log is sorted in time order.

However, Wygodny in an analogous computer system discloses new trace log is sorted in time order (col. 20, line 27-28 “the trace detail pane 316 also shows time stamps”)

The feature of trace log is sorted in time order would be obvious for the reasons set forth in the rejection of claim 2.

Claim 32 is the computer program product claim corresponding to process claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

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10. Claim 14-16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chatterjee, Wygodny in view of Extensible Markup Language (XML) 1.0 (Second Edition), published by W3C in Oct. 6, 2000, hereinafter called W3C.

Per claim 14, 15 and 16:

The rejection of claim 1 is incorporated, and further, neither Chatterjee nor Wygodny explicitly disclose the markup language syntax comprises a variant of SGML and markup language syntax comprises XML.

However, W3C discloses the markup language syntax comprises a variant of SGML (page 4, section, “Introduction - XML documents are conforming SGML documents”) and markup language syntax comprises XML (page 4, section “Introduction – XML documents are made up of... and logical structure”). It would be obvious to use the browser which language understands to display information.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method using SGML and XML markup language as taught by W3C into the method of generating traces in a markup language syntax as taught in combination by Chatterjee and Wygodny. The modification would be obvious because of one of ordinary skill in the art would be motivated to use SGML and XML markup language to display the metadata and support wide variety of data as suggested by W3C (page 4-5).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of the art with respect to trace navigation tool.

US Patent No. 6,738,778 to Williamson et al.

US Patent No. 5,708,825 to Sotomayor et al.

US Patent No. 6,708,173 to Behr et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is 703-305-8891.

The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner

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AMIL KHATRI
PRIMARY EXAMINER